

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA) CR. NO. 04-10195-PBS
)
 v.)
)
 MICHAEL PINA)
)

JOINT MEMORANDUM
PURSUANT TO LOCAL RULE 116.5(C)

Pursuant to Local Rule 116.5(C), the United States and Defendant Daniel Gomes (collectively, the "parties") state as follows:

(1) Discovery is substantially complete and counsel for the defendant is in the process of reviewing it with the defendant.

(2) Aside from the discovery referenced above, the parties presently do not anticipate the need for additional discovery. Should the need arise, the parties do not anticipate there will be any issues that need to be resolved by the Court.

(3) The defendant does not intend to raise a defense of insanity or public authority.

(4) The government has not formally requested notice of an alibi by the defendant.

(5-6) The defendant has joined, or has indicated he will join, in on the defendant's motion to suppress evidence. The government has completed a draft of its response but requires additional time to complete and submit it. In that regard, the government moves for additional time, until May 12, 2005, to submit its response.

The undersigned AUSA has spoken with counsel for the defendant and he has assented to the government's motion.

(7) The parties continue to engage in discussions regarding resolution of the case short of trial but presently believe the case will proceed to trial.

(8) The parties respectfully request that the Court convene a final status conference on May 12, 2005, at 9:45 a.m.

MICHAEL PINA
By His Attorney

MICHAEL J. SULLIVAN
United States Attorney

By:

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May 2, 2005